

MONTANA LEGISLATIVE HISTORY

Chapter 204 1959

Bill H _____ S 34 Original bill & history C

H. Committee on Highways

Hearing Date(s) Feb 10 ✓ C

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Date Out Feb 10 ✓ C

S. Committee on Highways & Transport.

Hearing Date(s) Jan 29 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 29, 1959

A meeting of the Committee on Highways and Transportation was called to order by the Chairman, Senator Bovey, in Room 407 of the Capitol Building at 11:30 A.M. The following members were present: Senators Bovey, Michels, Thiessen, Manning, Nees, Mahoney, McGowan, Cumming, Harken, Anderson, Sagunsky and Cole.

Senator Minette, of Glacier County, appeared before the committee in support of Senate Bills No. 82 and 34, both of which he is one of the authors.

Senate Bill No. 82 will prohibit the Highway Commission to re-locate any existing state highway in such a manner as to by-pass any city or town in which there is a federal or state historical museum. Minette stated that he felt that the 14-mile by-pass around Browning would be a great detriment to the cultural museum located there.

Senator Mahoney: "Does Montana have anything to do with routing on Indian lands?"

Joe Crosswaite: "On Indian lands there is no state of Montana money involved on any of the highway work on the reservation."

Senator Mahoney: "It has always been my understanding that it is all Federal money used on the highways on Indian lands."

Senator Michels: "That is right."

Senate Bill No. 34, amending Section 32-2145, would establish state speed zones. Minette stated: "This act is in no way to be construed as an authority to set a state-wide speed limit."

Senate Bill No. 59, a copy of which is hereto attached, was discussed at length. Senator Groff, Ravalli County, appeared in its support. The only proponent appearing was Norman W. Hauge, of Wolf Point, President of the Montana Association of County Commissioners.

Opponents were: Jack Marlow, Secretary of Montana Contractors' Association, representing approximately 60 highway contractors in Montana and approximately 5 individual contractors; Joe Crosswaite, of Kalispell, Vice-President of the Montana AFL-CIO and Manager of the Operating Engineers' Union of Montana; and James D. Krueb, engaged in contract farming..

Mr. Marlow was the first opponent to appear. His statement, as presented to the committee, is on the yellow sheet attached.

Feb 10

The committee had for consideration Substitute House Bill No. 60. Proponents present were: Mr. Frank Hazelbaker, of Dillon, Montana, and Mr. Donahoe D. Potter, State Director of Civil Defense.

Mr. Hazelbaker showed the committee some license plates for amateur radio operators, including one for Montana, 1959.

Mr. Hazelbaker reviewed his testimony of February 3 and added that since then three more states had passed this legislation, making a total of 45. He stated that the bill went through the House in Wyoming without a single decending vote.

Mr. Potter: "Civil Defense is more often carried out by volunteers. Every county has a copy of a book which lists the call numbers, name and address of all the operators in the state. These amateur operators cannot accept money for their services nor can they be hired. I think I can safely say that these people are the most devoted group to the public without any monetary return than any other group in the United States. To be able to identify these people will help us greatly in the future building of civil defense and it will help us today. The control could not be tighter than it is on these people. I frankly feel that, if for no other reason that the great service they are giving this country, that they deserve that consideration."

Senate Bill No. 190, a copy of which is hereto annexed, was discussed and Senator Carney, Daniels County, appeared before the committee in its support.

Senator Carney stated that he thought it was fair at the present time to include the value of state owned lands in the value of rural land in a county, which this bill is designed to do. He brought out that the total state owned land in his county is 24% of the total area. Approximately 6% of each county should be state owned land. He told the committee that in the allocation of state money on secondary roads, if there is Indian land on one side of the road, the state allocation is cut in half. If there is Indian land on both sides, there is no state aid. "We feel to include that value is not going to make any great change in any county."

Senator Mahoney made a motion that Senate Bill No. 190 be amended, as shown on the attached committee report, and As So Amended Do Pass. The motion was seconded by Senator McGowan and unanimously carried.

Senator Mahoney made a motion that Senate Bill No. 34 be amended, as shown on the attached committee report, and As So Amended Do Pass. The motion was seconded by Senator McGowan and unanimously carried.

Senator Cumming made a motion that House Bill No. 14 Be Concurred In. The motion was seconded by Senator Harken and carried by a majority vote.

Expenses.

Section 2. The salary of each such officer shall be for all services required of him or which may hereafter devolve upon him by law, including all services rendered ex officio as a member of any board, commission or committee, but shall not include actual and necessary traveling, lodging and subsistence expenses incidental to his official duties; provided, however, that this provision shall not apply to the salary of the supervisor of the highway patrol so as to deprive him of his length-of-service salary increase as provided by section 31-105 of these codes.

Repealing clause.

Section 3. That sections 25-501, 25-502, 25-503, and 25-505 of the Revised Codes of Montana, 1947, are hereby repealed.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1959.

CHAPTER 203

An Act Amending Section 92-1005 of the Revised Codes of Montana of 1947, as Amended by Chapter 176 of the Session Laws of Montana of 1957, Relating to the Assessment of Insurers Insuring Employers Who Elect to Become Bound by Compensation Plan Two (2) of the Workmen's Compensation Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 92-1005 of the Revised Codes of Montana of 1947 as amended by chapter 176 of the Session Laws of Montana of 1957, be, and the same is hereby amended to read as follows:

"Section 92-1005 (2982) **Policies made subject to this act—Assessment of insurers.**

"Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this

Policy form for plan No. 2 of workmen's compensation act.

act. No insurer shall enter into any such policy of insurance unless its forms shall have been approved by the board, and as otherwise provided by law.

"On or before the first day of July of each year, the board shall assess and each insurer shall pay to the board not to exceed *three and one-fourths* per cent ($3\frac{1}{4}\%$) of its gross annual direct premiums collected in Montana on policies of insurance insuring employers who elected to become bound by the Compensation Plan No. 2 during the previous calendar year, less return premiums. No such assessment shall be less than ten dollars (\$10.00). The treasurer of the board shall pay the amounts so collected into the Industrial Administration Fund. Payments by such insurers under this section shall be considered as items of loss for rate-making purposes."

Tax on premiums.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 10, 1959.

CHAPTER 204

An Act to Amend Section 32-2145, Revised Codes of Montana, 1947, Replacement Volume Three (3), Providing for the Establishment of State Speed Zones.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 32-2145, Revised Codes of Montana, 1947, Replacement Volume Three (3), be, and the same is hereby amended to read as follows:

Amending clause.

"32-2145. **Establishment of state speed zones.** Whenever the board shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said board may determine and declare a reasonable and safe speed limit thereat which when appropriate signs giving notice thereof are erected shall be effective at all times or during hours of daylight or darkness or at such

Authority to establish speed zones.

Not to be construed as authority to set state-wide speed limit.

other times as may be determined at such intersections or other place or part of the highway. *This act is not in any way to be construed as authority to set a state-wide speed limit.*

Approved March 10, 1959.

CHAPTER 205

An Act to Amend Section 4-333, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 165, Session Laws, 1949; as Amended by Section 1, Chapter 55, Session Laws, 1955; Relating to Powers of the Montana Liquor Control Board in the Issuing of Retail Beer Licenses, the Number of Such Licenses That May be Issued; Providing for a Repealing Clause; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4-333, Revised Codes of Montana, 1947 as amended by section 1, chapter 165, Session Laws 1949; as amended by section 1, chapter 55, Session Laws 1955; be, and the same is hereby amended to read as follows:

Issuance of retail beer licenses.

“4-333. (2815.36) **Issuance of retail beer licenses—Limit on number of—Off-premises beer licenses—Lapse and cancellation.** (1) Except as otherwise provided by law, a license to sell beer at retail in accordance with the provisions of this act and the regulations of the Montana liquor control board, may be issued to any person, firm or corporation who shall be approved by a majority of the board as a fit and proper person, firm or corporation to sell beer; provided, that the number of retail beer licenses that the board may issue shall be determined as follows:

Limitation on number according to population of incorporated cities and towns.

(a) The number of retail beer licenses that the board may issue for premises situated within incorporated cities and incorporated towns and within a distance of five (5) miles from the corporate limits of such cities and towns shall be determined on the basis of population as shown by the most recent official United States census

authorized by Congress, to-wit: In incorporated towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the corporate limits of such towns, not more than two (2) retail beer licenses to be used in conjunction with retail liquor licenses and not more than one (1) additional retail beer license which shall not be used in conjunction with a retail liquor license; in incorporated cities or incorporated towns of more than five hundred (500) inhabitants and not over two thousand (2,000) inhabitants and within a distance of five (5) miles from the corporate limits of such cities or towns, two (2) retail beer licenses for the first five hundred (500) inhabitants and one (1) retail beer license for each additional five hundred (500) inhabitants, which said retail beer licenses shall be used in conjunction with retail liquor licenses, and one (1) additional beer license for each five hundred (500) inhabitants which said beer license shall not be used in conjunction with retail liquor licenses; in incorporated cities of over two thousand (2,000) inhabitants and within a distance of five (5) miles from the corporate limits of such cities, five (5) retail beer licenses for the first two thousand (2,000) inhabitants and one (1) retail beer license for each additional one thousand (1,000) inhabitants which said retail beer licenses shall be used in conjunction with retail liquor licenses, and two (2) additional retail beer licenses for the first two thousand (2,000) inhabitants or major fraction thereof and one (1) additional retail beer license for each additional two thousand (2,000) inhabitants which shall not be used in conjunction with retail liquor licenses. The number of the inhabitants in such cities and towns, exclusive of the number of inhabitants residing within a distance of five (5) miles from the corporate limits thereof, shall govern the number of retail beer licenses that may be issued for use within such cities and towns and within a distance of five (5) miles from the corporate limits thereof; provided, that where two (2) or more incorporated municipalities are situated within a distance of five (5) miles from each other, the total number of retail beer licenses that may be issued for use in both of such municipalities and within a distance of five (5) miles from their respective corporate limits, shall be determined on the basis of the combined populations of both of such municipalities and shall not